



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,691	04/01/2004	Eric R. Blomiley	MI22-2510	1647

21567 7590 03/10/2006
WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER

DHINGRA, RAKESH KUMAR

ART UNIT PAPER NUMBER

1763

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,691

Applicant(s)

BLOMILEY ET AL.

Examiner

Rakesh K. Dhingra

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 01 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-153 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-153 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

Species 1: A substrate susceptor (generally as per Figures 3, 4) for receiving a substrate to be deposited upon, comprising a body having a substrate receiving side, the substrate receiving side comprising a face having a substrate receiving recess formed therein, the recess comprising an outer peripheral sidewall, and at least three projections extending outwardly from a portion of the face, the projections respectively comprising a radially inner sidewall which extends outwardly from the recess outer peripheral sidewall to a projection upper surface and where the face portion is annular.

Species 2: A substrate susceptor (generally as per Figures 3, 4) as per species 1 and where the projections have a specified shape and/or quantity.

Species 3: A substrate susceptor (generally as per Figures 3, 4) as per species 1 and where the projection upper surface has a specified shape.

Species 4: A substrate susceptor (generally as per Figures 3, 4) as in species 1 and where the recess outer peripheral sidewall and the radially inner sidewall have a combined elevational length which is equal to or at least as great as thickness of a substrate for which the susceptor is designed.

Species 5: A substrate susceptor (generally as per Figures 9, 10) as in species 1 and where back side radiant heating of susceptor is used and the back side face comprises at least one radiation emission lowering recess.

Art Unit: 1763

Species 6: A substrate susceptor (generally as per Figures 9, 10) where back side radiant heating of susceptor from at least two heat sources is used and the back side face comprises multiple radiation emission lowering recess.

Species 7: A substrate susceptor (generally as per Figures 15, 16) where the front side of body has an inner area face received within and smaller than the inner area, the inner area face having a central region and a peripheral region received about the central region, the front side inner area having a peripheral surface configured to at least in part support a substrate to be deposited upon proximate a periphery of said substrate to space said substrate from a portion of the front side inner area face, the front side inner area face comprising at least one central region projection extending to contact the substrate to be deposited upon.

Species 8: A substrate susceptor (generally as per Figures 20, 21) for receiving a substrate to be deposited upon by thermal deposition comprising susceptor heating and where the body has a front substrate receiving side and a back side, the front side having an inner area and a peripheral area received about the comprising an inner area face received within and smaller than the inner area, the inner area face having a central region and a peripheral region received about the central region, the front side inner area having a peripheral surface configured to at least in part support a substrate to be deposited space said substrate from inner area, the front side upon proximate a periphery of said substrate to a portion of the front side inner area face and where the peripheral surface extends radially inward with a radial length of 20-35 mm or 25-33% of substrate radius, and positioned to contact a substrate.

Art Unit: 1763

Species 9: A substrate susceptor (generally as per Figures 23-27) for receiving a substrate to be deposited upon by thermal deposition comprising susceptor heating, the susceptor comprising a body having a front substrate receiving side and a back side, the front side having an inner area and a peripheral area received about the inner area, the front side comprising an inner area face received within and smaller than the inner area and where the front side inner area face comprises a plurality of projections within the inner area face peripheral region extending to contact the substrate to be deposited upon.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 1763

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh K. Dhingra whose telephone number is (571)-272-5959. The examiner can normally be reached on 8:30 -6:00 (Monday - Friday).

Art Unit: 1763

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571)-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rakesh Dhingra



Parviz Hassanzadeh
Supervisory Patent Examiner
Art Unit 1763